IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

WP(C).No. 33316 of 2006(N)

PETITIONER:

K.A.ABDUL KHADER, PROPRIETOR,
ASSOCIATE TRADE LINKS, S/O.LATE MR.AHAMMED AMMU,
KAROTHUKUZHI HOUSE, ASOKAPURAM, ALUVA,
ERNAKULAM DISTRICT.

BY ADV. SRI.SHAJI CHIRAYATH

RESPONDENTS:
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1. BANK OF BARODA, ALUVA BRANCH,
ALUVA, ERNAKULAM DISTRICT, PIN- 683 101,
REPRESENTED ITS BRANCH MANAGER AND PRINCIPAL OFFICER.

2. S.V.RAMABHADRAN, (AUTHORISED OFFICER),
DY.REGIONAL MANAGER, BANK OF BARODA,
ALUVA BRANCH, ALUVA, ERNAKULAM DISTRICT,
PIN 683 101.

BY SRI.DEVAN RAMACHANDRAN, SC FOR R1

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN, J.

W.P.(C) NO. 33316 OF 2006

Dated this the 15th day of December, 2006

J U D G M E N T

The main contention of the petitioner is that Exhibit P6 was actually despatched by the Bank only on 09/10/2006 as is evident from the endorsement made by the post office in the cover, photocopy of which is produced as Exhibit P7. If so, the period of 60 days will expire only on 09/12/06. But even before that they passed Exhibit P8 order thereby violated the provisions of Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002,

2. The learned standing counsel Sri.Devan Ramachandran, appearing for the Bank submitted that Exhibit P8 is only a letter intimating the petitioner that in case the matter is not settled, they will be constrained to take possession and as such possession is not taken as atpresent. Same is recorded. The learned standing counsel for the Bank also submitted that even if 14/10/2006 is taken to be date on which the petitioner states as having received Exhibit P6, is accepted to be true, the two months period had already expired on 14/12/2006 and petitioner has not

submitted any objection. Confronted with this difficult situation, the learned counsel appearing for the petitioner prayed that he may be granted two weeks time for filing objection to Exhibit P6.

3. Considering the peculiar facts and circumstances of this case, the petitioner is granted two weeks time from today and he need not wait for the certified copy of the judgment to be obtained for that purpose, since both sides were represented by counsel. If objections are filed within two weeks, necessarily the Bank will consider the same in accordance with the provisions of Section 13(2).

Writ petition is closed.

P.R.RAMAN, JUDGE

Rp